

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JUSTIN ROCHE,

Plaintiff,

vs.

NANCY A. BERRYHILL,

Acting Commissioner of
Social Security

Defendant.

CASE NO. 1:17-cv-177

OPINION AND ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Justin Roche originally applied in December 2013 for supplemental security income and Child’s Insurance Benefits on the basis of disability.¹

An Administrative Law Judge (“ALJ”) heard Roche’s case at a December 8, 2015, hearing, and found Roche not disabled in a February 2, 2016 decision.² The Appeals Council denied Roche’s request for review, and Roche brought this action to challenge the Social Security Commissioner’s final decision.³

Magistrate Judge Jonathan D. Greenberg originally considered this case. On December 12, 2017, Magistrate Judge Greenberg issued a Report and Recommendation recommending that the final decision of the Commissioner be vacated and remanded.⁴

The Commissioner does not object to the Report and Recommendation.⁵

¹ See Doc. [13](#) at 2.

² *Id.*

³ *Id.*

⁴ *Id.* at 1.

⁵ See Doc. [14](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.⁶ Absent objection, a district court may adopt the Report and Recommendation without review.⁷

Because no party has objected to the Report and Recommendation, this Court may adopt the Report and Recommendation without further review. Moreover, having conducted its own review of the briefing and record, the Court agrees with the conclusions in the Report and Recommendation.

Accordingly, the Court **ADOPTS** Magistrate Judge Greenberg's Report and Recommendation and incorporates it fully herein by reference. The Court **VACATES** the final decision of the Commissioner and **REMANDS** this case for further proceedings consistent with Magistrate Judge Greenberg's Report and Recommendation.

IT IS SO ORDERED.

Dated: December 19, 2017

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ [28 U.S.C. § 636\(b\)\(1\)](#).

⁷ [Thomas v. Arn](#), 474 U.S. 140, 149 (1985); [L.R. 72.3\(b\)](#).